



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 26 2001

REPLY TO THE ATTENTION OF:

B-19J

Colonel Robert E. Slockbower
District Engineer
Department of the Army
Louisville District, U.S. Army Corps of Engineers
Post Office Box 59
Louisville, Kentucky 40201-0059

**RE: EIS Number 000397, DS II for FEIS Proposed New Water Supply Reservoir,
City of Marion, Williamson and Johnson Counties, Illinois.**

Dear Colonel Slockbower:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act, the United States Environmental Protection Agency (U.S. EPA) has reviewed the Draft Supplement II (DS II) to the Final Environmental Impact Statement for the Proposed New Water Supply Reservoir in Williamson and Johnson Counties, Illinois. The purpose and need for this project is to provide a clean, safe, sufficient and dependable water supply for the City of Marion. The proposed action is to construct a new water supply reservoir near the community of Creal Springs. The proposed impoundment would have a surface area of 1,172 acres. In addition to this alternative several other alternatives were identified and considered in this DS II as potential water supplies to either the City of Marion or Lake of Egypt Water District. This array of alternatives consisted of raw or treated water from Rend Lake, water from Cedar Lake, water from Cache River Aquifer, raw or treated water from Saline Valley, a new reservoir near Goreville, and combinations of these alternatives.

Our agency provided comments to your agency in our January 9, 2001 letter for the Section 404 public notice. In that letter we indicated that we believe that the Rend Lake Raw Water Supply alternative can meet the purpose and need of the project. We also identified the lack of minimization and mitigation for the loss of wetlands. We also requested that you deny a permit for this project based on these concerns. Our agency still has these issues and concerns. Therefore, the following comments are made in addition to those that you have already received from our agency. For your convenience a copy of our January 9, 2001 letter is enclosed.

Based on the review of the information provided in the DS II, we have rated the document an "EO-2". The "EO" indicates that we have environmental objections to the proposed project. The "2" indicates that additional information needs to be provided to support the impact and economic analysis presented in the DS II. This rating will be

published in the Federal Register. Our objections are based on the following comments. These comments center on cumulative impact analysis, cost analysis, recreational use, and legal limitations.

The Council of Environmental Quality regulations require the analysis of direct, indirect, and cumulative impacts for all alternatives. The DS II clearly shows that out of all of the alternatives evaluated, the Sugar Creek alternative would cause the greatest amount of adverse environmental impact (40 acres of wetland, 415 acres of woodlands, 533 acres of agricultural land, habitat loss, threatened and endangered species, and water quality). However, in terms of cumulative impact analysis, the DS II did not provide any indication that cumulative impacts from this proposed action were appropriately considered. It is clear in the DS II and previous NEPA documents that purpose and need for the project is based on the present and projected future demand for water. The increase in future water demand indicates that there is a projection of growth and development in the service area(s). This growth and development will result in changes in land use and land cover patterns resulting in additional adverse environmental impacts. This potential change in land cover is one type of reasonably foreseeable action that must be analyzed by your agency. This analysis must also identify other past and present actions that have or are expected to have impacts, the geographic boundary to focus such analysis, and the resources that will be impacted. (*Fritiofson v. Alexander*, 772 F. 2d. 1225, 5th Cir. 1985.)

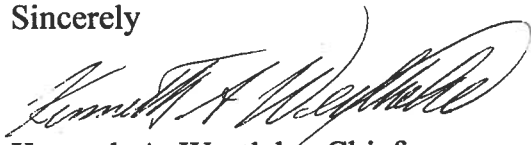
In terms of cost analysis, the DS II does not discuss the methodologies used so that reviewers could develop an understanding and follow the logic of the process that was applied to generate the stated findings. Furthermore, the DS II did not identify the sources for the values used in developing the costs for each alternative or what quality assurance measures were used to insure the accuracy of the analysis. Title 40 Code of Federal Regulations (CFR) Section 1502.21 clearly states that documents can be incorporated by reference. However, clear and concise summaries are to be provided in the document. By not providing this information, your agency has impeded the public's ability to review the process, data, and methodologies used to analyze the alternatives. It also appears that the cost analysis has not accounted for the land, and mitigation costs for each of the alternatives. This is significant, since the difference in cost between Sugar Creek and the other alternatives is low and the additional costs of environmental mitigation is likely to be substantial and possibly a deciding factor. This analysis needs to fully account for all of the costs associated with each potential choice, so that an informed environmental decision can be made by your agency.

On page 57, the DS II indicates that the Sugar Creek Alternative will provide recreational opportunities for hunting and fishing. These proposed uses are not part of the stated purpose and need, or the proposed action, and have not be fully evaluated. The stated purpose for constructing the Sugar Creek reservoir is to provide a drinking water supply reservoir for the City of Marion and Lake of Egypt Water District service areas. If part of the proposed action is to generate recreational opportunities, then the purpose and need statement must be changed to reflect such usage, and associated impacts should be evaluated and documented. If the purpose and need for the proposed action will remain as stated, then these recreational opportunities must be eliminated as part of the proposed action.

On page 22, the DS II indicates that the Rend Lake alternative may not be an option due to the 20 mile limitation on connecting water supplies to municipalities as described in 65 ILCS 5/11-138-1. However, it is our understanding that this legal limitation has been expanded from 20 up to 60 miles. The Final Supplement II must clarify this limitation to ensure that this Rend Lake alternative is fully considered as a feasible alternative using the most up-to-date information.

Thank you for the opportunity to review and comment on the DS II for the proposed Marion Lake. Based on our review of the DS II, we object to the selection of Sugar Creek alternative as the preferred alternative. We are willing to discuss our comments at your convenience. If you have any questions and comments, please contact Al Fenedick at (312) 886-6872 or by E-mail at fenedick.al@epa.gov.

Sincerely



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch
Office of Strategic Environmental Analysis

Enclosure: January 9, 2001 letter

